



RECEIVED

JUL 18 2003

TC 1700

Atty. Dkt. No. 054821-0852

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bauerlein, Peter

Title: NI/METAL HYDRIDE
SECONDARY ELEMENT

Appl. No.: 09/909,497

Filing Date: 07/20/2001

Examiner: Dah Wei D. Yuan

Art Unit: 1745

Commissioner for Patents
Alexandria, Virginia 22313-1450

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

EV055898530 US July 14, 2003
(Express Mail Label Number) (Date of Deposit)

SCOTT M. DAY

(Printed Name)

Scott

(Signature)

REPLY AND AMENDMENT

This Reply and Amendment is responsive to the Non-Final Office Action dated February 13, 2003, concerning the above-identified patent application. Applicant has enclosed with this Reply a Petition for Extension of Time to make this response timely.

The amendments presented in this Reply and Amendment are in compliance with the revised format permitted in the Notice from the Office of Patent Legal Administration of the U.S. Patent and Trademark Office dated February 10, 2003, and published at 1267 O.G. 106 on February 25, 2003. Accordingly, the provisions of 37 C.F.R. §§ 1.121(a), (b), (c), and (d) are waived for the amendments made in this application to the Claims in this Reply and Amendments.

Amendments to the claims are reflected in the Listing of Claims which begin on page 2 of this document.